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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/092,703

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Jin Yong Kim

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LEE, HONG, DEGERMAN, KANG & SCHMADEKA

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EXAMINER

AGUSTIN, PETER VINCENT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/092,703	Applicant(s) KIM, JIN YONG	
	Examiner Peter Agustin	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,7,8 and 10-25 is/are pending in the application.
- 4a) Of the above claim(s) 11-22 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,7,8,10 and 23-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 2, 4, 7, 8 & 10-25 are pending, with claims 11-22 withdrawn from consideration due to a previous restriction requirement.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claim 1, 4, 7, 8 & 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heemskerk et al. (US 6,628,584) in view of Lee et al. (US 6,442,128).

In regard to claim 1, Heemskerk et al. disclose a read-only recording medium (abstract, line 1: "a record carrier of a read-only type") containing recorded data (Figure 3), wherein the recorded data includes a first data type (information units 32, 34 & 36) and a second data type (linking areas 33 & 35), the first data type including user data (column 4, line 55: "information unit"), and the second data type being placed at a predetermined interval between first data types (as shown in Figure 3; see also column 4, lines 66-67: "the linking area has a length of two frames") and not containing the user data (the user data is contained in the information units 32, 34 & 36), the second data type thereby being preceded and followed by the first data type (as shown in Figure 3), wherein the first data type includes at least one error correcting code (ECC) data unit (column 3, lines 44-46: "the unit comprises a number of frames which contain Error Correction Codes") on which an error correction is performed, and the at least one error correcting code (ECC) data unit comprises a plurality of sub-units (it is well known that in

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optical storage media, each ECC data unit comprises “sectors”), and wherein a total size of the first data type and the second data type is equal to a size of a predetermined data unit to be used in a writable recording medium (abstract, lines 3-5: “the information unit is the minimal unit for error correction according to a format for writable record carriers”; column 3, lines 60-65: “the linking area is introduced in the read-only record carrier having the same or similar contents as the writable record carrier”, “the read device does not have to detect which type of record carrier is to be read, as the format of data storage is equal”), which writable recording medium is a counterpart of the read-only recording medium (abstract: “compatibility with recordable record carriers”), the predetermined data unit including user data and invalid data.

In regard to claim 4, Heemskerk et al. disclose that the second data type (linking areas 33 & 35) includes an invalid data (column 1, lines 58-60: “the area between the information units does not contain valid information, and is called a linking area”), wherein a size of the second data type is equal to that of the invalid data of the predetermined data unit to be used in the writable recording medium (column 3, lines 60-65: “the linking area is introduced in the read-only record carrier having the same or similar contents as the writable record carrier”).

In regard to claim 7, Heemskerk et al. disclose that a size of the second data type is equal to that of the invalid data to be allocated intermittently (column 1, lines 58-60: “the area between the information units does not contain valid information, and is called a linking area”, i.e., linking areas are intermittently allocated between information units) in the user data of a writable recording medium (column 3, lines 60-65: “the linking area is introduced in the read-only record carrier having the same or similar contents as the writable record carrier”).

In regard to claim 8, Heemskerk et al. disclose that a data of a predetermined pattern is formed in the second data type repeatedly (column 5, lines 7-9: “the run-in field and the run-out field [which belong to the linking area] may be filled with a predetermined pattern of marks”).

In regard to claim 10, Heemskerk et al. disclose that the data of the predetermined pattern is used for servo-control (column 5, line 19: “access control data”).

However, Heemskerk et al. do not explicitly disclose: in regard to claim 1, that the second data type includes identification information for detecting the second data type included in the recorded data when the recorded data is reproduced.

Lee et al. disclose: in regard to claim 1, identification information (Figure 2) for detecting a second data type (see b28, which indicates linking data).

It would have been obvious to one of ordinary skill in the art at the time of invention to have applied this teaching of Lee et al. to the read-only recording medium of Heemskerk et al., the motivation being to distinguish between rewriteable, read-only, or linking data on an ID area where information relating to basic recording units is stored on a unit-by-unit basis (column 2, lines 50-55).

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heemskerk et al. and Lee et al. as applied to claim 1 above, and further in view of Sasaki et al. (US 6,762,984).

For a description of Heemskerk et al. and Lee et al., see the rejection above. However, Heemskerk et al. and Lee et al. do not explicitly disclose: in regard to claim 2, that the read-only recording medium comprises a lead-in area, a main data area and a lead-out area, wherein the first and second data types are located at the main data area of the read-only recording medium.

Sasaki et al. disclose: in regard to claim 2, a recording medium comprising a lead-in area (Figure 15, element 1501), a main data area (1502) and a lead-out area (1503), wherein first and second data types (user data area & inner link area) are located at the main data area (1502) of the recording medium (as shown).

It would have been obvious to one of ordinary skill in the art at the time of invention to have applied the teachings of Sasaki et al. to the recording medium of Heemskerk et al. and Lee et al., the motivation being to provide control information necessary to access information from the recording medium (a well known purpose of lead-in and lead-out areas).

5. Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heemskerk et al. and Lee et al. as applied to claim 1 above, and further in view of the admitted prior art.

For a description of Heemskerk et al. and Lee et al., see the rejection above. However, Heemskerk et al. and Lee et al. do not explicitly disclose: in regard to claim 23, that the second data type has a length of 2K bytes or less; in regard to claim 24, that the second data type has a same size as one sub-unit; and in regard to claim 25, that the sub-unit is a sector.

The admitted prior art discloses: in regard to claim 23, a second data type having a length of 2K bytes or less (see Figure 2 and page 3, last paragraph through page 4, first paragraph: “linking loss area”); in regard to claim 24, that the second data type has a same size as one sub-unit (note that one sector of Figure 1B is 2kB); and in regard to claim 25, that the sub-unit is a sector (see Figure 1).

It would have been obvious to one of ordinary skill in the art at the time of invention to have applied the teachings of the admitted prior art to the recording medium of Heemskerk et al.

and Lee et al., the motivation being to provide sufficient buffering, thereby preventing erroneous reproduction of data (page 4, second paragraph).

Response to Arguments

6. Applicant argues on page 7, last paragraph through page 8, first paragraph that Heemskerk fails to disclose or suggest the “first data type including user data” as recited in claim 1. The examiner disagrees. Segments 32, 34 & 36 in Figure 3 are described as “information units”, which are understood to be “user data”.

7. Applicant's arguments on page 8, paragraph 2 regarding the added features of claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter Agustin whose telephone number is (571)272-7567. The examiner can normally be reached on Monday-Thursday 8:30 AM-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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